

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	March 13, 2016
Time of Incident:	6:22 p.m.
Location of Incident:	XXXX W. Quincy Street, Chicago, IL
Date of COPA Notification:	March 17, 2016
Time of COPA Notification:	3:51 p.m.

On March 13, 2016 Officer A, Officer B and Officer C conducted a surveillance for narcotics sales in the vicinity of the incident. Officer C, observed Subject 1 enter the courtyard of an apartment building and exit less than a minute later. Officer C radioed Officer A and B a physical description of Subject 1 along with his direction of travel. Officer A and Officer B approached Subject 1 to conduct a field interview and Subject 1 fled on foot. During to foot pursuit, Officer A observed Subject 1 remove an item from his pocket and throw it to the ground. Officer A recovered the item while Officer B attempted to restrain Subject 1. Subject 1 stiffened his body and pulled away from Officer B. Officer A then performed an emergency takedown of Subject 1. Officer A twice attempted to handcuff Subject 1. Both times, Subject 1 grabbed Officer A's thumb causing pain. In response to Officer A punched Subject 1. Subject 1 was transported to West Suburban Hospital after Subject 1 stated that he had trouble breathing. Subject 1 sustained bruising and swelling to his face and right elbow as a result of this incident.

II. INVOLVED PARTIES

Involved Officer #1:	A, #XXXX, Employee #XXXXXX, Date of Appointment: XX/XX/2009; Chicago Police Officer, Date of Birth: XX/XX/1984; White male
Subject #1:	Subject 1 , Date of Birth: XX/XX/1991, Black male

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Arrested Subject 1 without justification, 2. Damaged Subject 1's cellular telephone. 3. Referred to Subject 1 as a "fucking asshole" 4. "Slammed" Subject 1 on the ground. 5. Punched Subject 1 on his face. 6. Struck Subject 1 about his body. 7. Kneed Subject 1 on his back.	Unfounded Unfounded Not Sustained Exonerated Exonerated Unfounded Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Prohibits any disobedience of an order or directive, whether written or oral.
3. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G02-02, The First Amendment and Police Actions
2. G03-02-01, The Use of Force Model (Effective May 16, 2012)
3. G03-02-02, Force Options (Effective January 1, 2016)

Federal Laws

1. 4th Amendment of the United States Constitution**V. INVESTIGATION****a. Interviews****1. Complainant Subject 1**

In an **Interview with IPRA on March 25, 2016**, **Complainant Subject 1** stated that on March 13, 2016, at approximately 6:22 p.m., he was in the XXXX block of W. Quincy to visit his friend, "Civilian 1" (NFI). Subject 1 related that his friend was not home and he decided to visit his sister, Civilian 2, at XXXX W. Gladys. As Subject 1 was walking he observed an unmarked police vehicle approaching him.

Subject 1 stated, in sum, that one male Hispanic officer and one male white officer inside an unmarked police vehicle told him to come to their vehicle. Subject 1 asked the officers why, refused to comply and ran. According to Subject 1 he ran west on Quincy for two blocks and then stopped because of his asthma. Subject 1 related that he stopped and placed his hands behind his back.

Subject 1 related that the white male officer, now known as Officer A, grabbed his arm, twisted his arm behind his back and slammed him to the ground, causing him to strike his elbow on the ground and called him a "fucking asshole." Subject 1 related that Officer A punched him on the left side of his face and his right eye, struck him about his body and kneed him in his back.

Subject 1 stated that he was placed inside a squad car and transported to West Suburban Hospital for medical treatment. Subject 1 related that he sustained swelling to his face and bruising to his elbow as a result of this incident.²

2. Police Statements

In a **statement to IPRA on October 13, 2016**, **Officer C** stated that on the date and time of the incident he was assigned to Beat XXXXX along with Officer A. Officer C explained that he was the surveillance officer and Officers A and B were the enforcement officers. Officer C stated that he was inside an undercover vehicle that was parked in a parking lot across the street from an apartment building located on the corner of XXXXX Street and XXXXX Avenue conducting surveillance. Officer C added that the location is known for narcotic transaction activity.

² Attachments 23, 27

Officer C related that he observed Subject 1 walk inside the courtyard of the apartment building and exit less than a minute later in a quickened pace. Officer C radioed the enforcement officers with a description of Subject 1 and his direction of travel because he believed Subject 1 had conducted a narcotics transaction. Officer C admitted that he had not seen what occurred in the courtyard as his vision was obstructed by the apartment building. Officer C explained that based on his experience, knowledge, surveillance and numbers of arrest made at the location along with Subject 1's quickened pace he suspected that a narcotics transaction had been conducted.

Moments later, Officer C heard Officer A request assistance for a foot chase via the radio. Officer C stated that he did not assist in the foot chase because he was inside the covert vehicle. Officer C related that he later met Officer A at the 015th District Station to complete the reports regarding Subject 1's arrest. Officer C denied observing Officer A commit the acts alleged against him as he was not present during Subject 1's arrest.³

In a **statement to IPRA on October 11, 2016, Officer B** stated that on March 13, 2016 he was assigned to Beat XXXXX along with Officer A and Officer C. Officer B stated that he and his partners were assigned to a covert vehicle. Officer B was the driver and Officer A was the front passenger. Officer B explained that Officer C was the surveillance officer and was not at the location of Subject 1's arrest. Officer B further explained that Officer C was inside the 015th District Station monitoring the POD camera near the vicinity of the location of the arrest. Officer B related that the Pod can be controlled by an officer with the equipment inside the 015 District.

Officer B stated that via the POD Camera, Officer C observed Subject 1 walk inside XXX XXXXX Avenue, which is an area known for narcotic sales. Subject 1 came out less than a minute later and walked onto XXXXX Street. Officer C informed Officer B and Officer A that he suspected that Subject 1 had conducted a narcotics sale based on Subject 1's actions, the location and experience. Officer C provided Officer B and Officer A with a description of Subject 1 and his direction of travel. Officer B drove onto Quincy Street and observed Subject 1, who matched the description given by Officer C.

Officer B pulled alongside Subject 1 and asked Subject 1 to come to his vehicle. Subject 1 stated words to the effect of, "I ain't do shit," and ran. Officer B and Officer A exited their vehicle and chased Subject 1. Officer B caught up to Subject 1 and grabbed him. Subject 1 pulled away from Officer B as Officer B attempted to hold on to Subject 1. Officer B stated that he and Subject 1 fell onto the ground in between two parked vehicles. Upon inquiry, Officer B stated that during the foot chase he briefly lost sight of Subject 1 as he ran in between cars during the chase. Officer B stated that he did not observe Subject 1 drop anything from his person.

Officer B stated that Officer A approached the area and attempted to place Subject 1 into custody. Officer B related that Subject 1 was laying on his stomach while on the ground with his hands under his body. As Officer A attempted to grab Subject 1's hands from under his body, Subject 1 grabbed Officer A's thumb and attempted to bend it. Officer B could not explain how Subject 1 grabbed Officer A's thumb nor could he recall which thumb Subject 1 grabbed.

³ Attachment 39

Officer B related that Officer A told Subject 1 to release his thumb several times and Subject 1 failed to comply. Officer A then punched Subject 1 once in the face. Officer B could not recall which side of Subject 1's face Officer A punched. After Officer A punched Subject 1 in his face, Subject 1 released Officer A's thumb. Officer A attempted to grab Subject 1's hand a second time and Subject 1 grabbed Officer A's thumb a second time. Officer A told Subject 1 to release his thumb and Subject 1 failed to comply. Officer A punched Subject 1 a second time in the face and Subject 1 released Officer A's thumb. During the third attempt to grab Subject 1's hand, Subject 1 complied and was handcuffed by Officer A and Officer B.

Officer B stated that after Subject 1 was handcuffed a protective pat down was conducted and Subject 1 was placed inside the responding unit's vehicle. Officer B related that he did not observe any injuries to Subject 1 at the time of his arrest. Officer B stated that while at the scene, Officer D gave him Subject 1's cellular phone. Officer B related that he inventoried Subject 1's phone. Upon inquiry, Officer B stated that he observed Subject 1's cellular phone to have a cracked screen. Officer B stated that he did not know how Subject 1's cellular phone was damaged. Officer B also added that he had not seen Subject 1's cellular phone prior to his contact with Subject 1.⁴

In a **statement to IPRA on January 17, 2017, Officer A** related essentially the same information as Officer B. Officer A related that via the radio, Officer C informed Officer A and Officer B that he observed Subject 1 enter the courtyard of the building and exit the courtyard less than a minute later in a quickened pace. Officer C gave Officer A and Officer B a physical description of Subject 1 and his direction of travel.

Officer B and Officer A exited their assigned vehicle and approached Subject 1 to conduct a field interview. Subject 1 stated words to the effect of, "I ain't do shit" and ran away from the Officer B and Officer A. Officer A related that during the foot pursuit, he observed Subject 1 reach into his pocket, remove a small green baggie, rip it up and throw it to the ground. Officer A stopped to retrieve the item, now known as suspect narcotics, as Officer B continued to chase Subject 1.

Officer A stated that after he retrieved the suspect narcotics, he observed Officer B attempting to restrain Subject 1. Subject 1 was pulling away as Officer B was holding onto Subject 1's body and giving his verbal directions to place his hands behind his back. Officer A approached the area and conducted an emergency take down. Officer A related that he locked his feet in between Subject 1's feet, took Subject 1 off balance and took him to the ground. Officer A stated that he, Subject 1 and Officer B went down to the ground together.

Officer A related that as he attempted to place Subject 1's left hand behind his back, Subject 1 grabbed Officer A's right thumb and pulled it under his (Subject 1) body twice. Officer A stated that he felt pain both times and directed Subject 1 to release his thumb each time. Officer A related that after Subject 1 refused to release his thumb, he punched Subject 1 in his face each time. Officer A stated that Subject 1 eventually released his thumb and allowed Officer A to place Subject 1's left hand behind his back. Officer A stated that he did not recall observing injuries to Subject 1.

⁴ Attachment 37

Upon inquiry, Officer A stated that he did not recall seeing Subject 1's cellular phone during Subject 1's arrest. Officer A denied having any contact with Subject 1's cellular phone. Officer A stated that he had no knowledge as to how Subject 1's cellular phone was damaged.⁵

In a **statement to IPRA on October 13, 2016, Officer D** stated that on March 13, 2016 he was assigned to Beat XXXX along with Officer E. Officer D stated that he and Officer E responded to a radio dispatch for assistance regarding a foot pursuit involving Officers B and A. Officer D related that when he arrived he observed Officer B, Officer A and the offender, now known as Subject 1, on the ground struggling. Officer D added that Subject 1 was refusing to comply by not giving Officers B and A his hands. Officer D observed Officer A punch Subject 1 once on his face after he had given Subject 1 several verbal commands to release Officer A's hand. After Officer A punched Subject 1, Officer A and Officer B handcuffed Subject 1.

Officer D and Officer E assisted Subject 1 up from the ground, conducted a protective pat down and escorted Subject 1 to their assigned marked squad car. Officer D related that while inside his assigned vehicle, Subject 1 informed them that he was having trouble breathing. Officer D and Officer E transported Subject 1 to West Suburban Hospital for medical treatment. Officer D stated that he did not recall observing injuries to Subject 1.⁶

In a **statement to IPRA on October 20, 2016, Officer E** related that when he arrived at the location of incident he observed Subject 1 on the ground fighting/resisting Officer A's and Officer B's efforts to handcuff him. Officer E explained that Subject 1 was on the ground moving his arms and trying to get away from the officers. Officer E stated that during the struggle he observed Officer A punch Subject 1 once in the face. Officer E stated that he and Officer D assisted Subject 1 up from the ground and escorted Subject 1 to their assigned vehicle. Officer E could not recall the reason as to why he and Officer D transported Subject 1 to the hospital. Officer E did not recall observing injuries to Subject 1. Officer E stated that he did not recall observing Subject 1's cellular phone. Officer E added that he had no knowledge as to how Subject 1's cellular phone was damaged.⁷

b. Digital Evidence

In-Car Video obtained from Beat XXX does not show the arrest of Subject 1. In the audio portion, an officer is heard stating, "Stop resisting," and "Put your hands behind your fucking back." A male voice is also heard stating, "Why are you fucking with me? I haven't done shit. Why are you bothering me?" A male voice is heard inquiring about a phone. Another male voice responds to the inquiry stating that the subject broke the phone when he ran. At some point Subject 1 is placed in the back seat of Beat XXX. Subject 1 requested to go to the hospital because of his asthma and arm pain. Beat XXX transported Subject 1 to the hospital.⁸

⁵ Attachment 41

⁶ Attachment 38

⁷ Attachment 40

⁸ Attachments 19, 20 at 6:33:14 pm

c. Physical Evidence

The **Medical Records** from West Suburban Medical Center indicate that Subject 1 was admitted to the emergency room on March 13, 2016, at approximately 6:42 p.m. Subject 1 complained about his asthma, facial swelling, pain and abrasions to his right elbow. It is noted that Subject 1 was yelling, swearing and uncooperative while in the emergency room. Subject 1 was diagnosed with pain to his face and abrasion/ friction burn of elbow without infection.⁹

d. Documentary Evidence

The **Original Incident Case Report, Case Supplementary Report and Arrest Report for RD #XXXXXXX** document that on March 13, 2016, at approximately 6:22 p.m. while on surveillance Officer C observed Subject 1 walk into an apartment courtyard and emerge a short time later walking at a quickened pace. It is reported that Subject 1's actions were consistent with narcotics sales at the location that was under surveillance for narcotics sales. Officer C radioed Officer A and Officer B with a description of Subject 1 and Subject 1's direction of travel.

Officer B and Officer A exited their assigned vehicle to conduct a field interview. Subject 1 looked in the direction of Officer A and B, stated words to the effect of, "I didn't do shit," and fled on foot. Officer A and Officer B chased after Subject 1 on foot. At some point Officer A observed Subject 1 reach into his pocket and remove a small zip lock baggie containing a light green tag and tinfoil, tear the top portion of the bag and throw it to the ground. Officer A knowing this to be consistent with PCP packing, immediately recovered the zip lock baggie top, green label and a piece of tinfoil containing a black plant like material suspect PCP laced material.

Officer B grabbed Subject 1 who immediately pulled away and stiffened his body to defeat the arrest. Officer A performed an emergency takedown and Subject 1 continued to pull away and stiffen his arms. Officer A attempted to bring Subject 1's left arm behind his back. Subject 1 grabbed Officer A's right thumb and quickly pulled it causing Officer A pain. Officer A performed a closed fist strike to Subject 1's left cheek causing Subject 1 release Officer A's thumb. Subject 1 grabbed Officer A's thumb a second time and Officer A performed another closed fist strike to Subject 1's face so that Subject 1 would release Officer A's thumb. Officer A was then able to handcuff Subject 1's arms behind his back.

According to the Lock-up Screening Log, Subject 1 arrived at the lockup after receiving treatment at West Suburban Hospital. It is also noted that Subject 1 entered lock up scratches on his right arm.¹⁰

The **Tactical Response Report (TRR) filed by Officer B** indicates that Subject 1 did not follow verbal direction, stiffened and pulled away. Officer B responded with member presence, verbal commands, escort holds, wristlock and take down/ emergency handcuffing.¹¹

⁹ Attachment 29

¹⁰ Attachments 6 – 8

¹¹ Attachment 9

The **TRR filed by Officer A** indicates that Subject 1 did not follow verbal direction, stiffened, pulled away and attacked without weapon. Officer A responded with member presence, verbal commands, wristlock, take down/ emergency handcuffing and closed hand strike/punch.¹²

The **Officer's Battery Report (OBR)** completed by Officer A indicate that on the date and time of the incident Officer A was attacked by Subject 1 while on duty, in patrol duty uniform. The report lists the manner of attack as “struck/blunt force (including actual attempt)” and the type of weapon/threat as “hands/fists.” Officer A sustained minor injury (bruises/swelling/minor abrasions).¹³

According to **Inventory Sheet #XXXXXXX**, on March 13, 2016, Officer A logged into evidence one zip lock baggie top/green paper label/ tinfoil packet containing a black plant like material laced with suspect PCP. The owner of the seized item is identified as Subject 1.¹⁴

According to **Inventory Sheet #XXXXXXX**, on March 13, 2016, Officer A logged into evidence one cell phone with broken screen, a wallet containing miscellaneous cards and papers, ear buds and carmex.¹⁵

IPRA investigators **canvassed** the vicinity of XXXX W. Quincy Street on March 18, 2016, but were unable to locate any witnesses to or any video footage of the incident.¹⁶

VI. ANALYSIS

1. Officer A

COPA recommends a finding of **Unfounded** for **Allegation #1**, that Officer A arrested Subject 1 without justification, in violation of Rule 6. Officer A had probable cause to arrest Subject 1 when he recovered suspect narcotics dropped by Subject 1. When an individual abandons property the right of privacy in the property is terminated. People v. Sutherland, 223 Ill.2d 187 (2006). Probable cause can be established when an officer observes an object they have been trained to detect and the incriminating nature of the item is immediately apparent. People v. Madison, 264 Ill. App.3d 481 (1st Dist 1994); People v. Mitchell, 165 Ill.2d 211 (1995).

Officer A and his partner Officer B received information from surveillance Officer C that identified Subject 1 as having engaged in a narcotics transaction. Based on Officer C's description, Officer A and B followed Subject 1 and asked him to come to their vehicle. As Subject 1 ran, Officer A and B followed. During the chase, Officer A observed Subject 1 drop an object he recovered and found to be green ziplock bag, based on his training and experience Officer A

¹² Attachment 10

¹³ Attachment 11

¹⁴ Attachment 14

¹⁵ Attachment 13

¹⁶ Attachment 18

believed to be narcotics. When Subject 1 dropped the baggie, Officer A lawfully recovered the item and gained probable cause based on the subject narcotics to then place Subject 1 in custody.

COPA recommends a finding of **Unfounded** for **Allegation #2**, that Officer A damaged Subject 1's cellular telephone, in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department." During his interview with IPRA, Subject 1 stated that Officer A damaged the screen on his cellular telephone. According to the in-car video, a male voice is heard inquiring about a phone. Another male voice responds to the inquiry stating that Subject 1 broke the phone when he ran. During their statement to IPRA, the involved officer denied having any knowledge as to how Subject 1's cellular telephone was damaged. COPA has no evidence of the phone's condition prior to the police encounter. Furthermore, Officer A specifically denied damaging Subject 1's cellular telephone. Based on the available evidence it is reasonable to believe that Subject 1's cellular phone was damaged either before the incident or when he fled. No evidence suggests the officers damaged Subject 1's phone.

COPA recommends a finding of **Not Sustained** for **Allegation #3**, that Officer A referred to Subject 1 as a "fucking asshole." The involved officers denied observing Officer A commit the act alleged against him. Officer A denied committing the act alleged against him. Although the video evidence does not support Subject 1's allegation, the statement could have been made prior to the arrival of the assisting officers. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Exonerated** for **Allegation #4**, that Officer A "slammed" Subject 1 on the ground. Officer B stated that when he caught up with Subject 1, Subject 1 refused to place his hands behind his back and pulled away. According to the use of force guidelines, and in accordance with federal law, any person attempting to create distance between an Officer and the subject during a lawful arrest is classified as an active resistor. The use of force guidelines for the Chicago Police Department describe the permissible force an officer may use when encountering an active resistor. Under these circumstances an emergency takedown is allowed under the use of force guidelines. Officer A described that as Subject 1 pulled away he conducted an emergency takedown. Officer A explained that he locked his feet in between Subject 1's feet and took him to the ground at which point the officers attempted to cuff Subject 1. Subject 1 never described how Officer A "slammed" him to the ground. Based on the available evidence, Officer A acted within the guidelines outlined in the Use of Force Policy of the Chicago Police Department when he performed an emergency takedown.

COPA recommends a finding of **Exonerated** for **Allegation #5**, that Officer A punched Subject 1 on his face. During their statement to IPRA, Officer B, Officer E and Officer D related that they observed Officer A punch Subject 1 on his face after Subject 1 grabbed Officer A's thumb (hand) and refused to release it.

In his statement to IPRA Officer A stated that during both attempts to handcuff Subject 1, Subject 1 grabbed his right thumb and refused to release it. Officer A related that after Subject 1 refused to release his thumb, he punched Subject 1 in his face both times. Officer A handcuffed Subject 1 on the third attempt. None of the video captures the conduct. COPA finds the department

reports and testimonial evidence of the officers credible. Based on the Use of Force policy of the Chicago Police Department, and in accordance with all state and federal law, Officer A was justified when he delivered closed fist strikes to Subject 1 after Subject 1 grabbed his thumb and refused to let go. Subject 1 was an assailant without weapons when grabbed Officer A and therefore Officer A was justified in delivering closed hand strikes to affect the arrest.

COPA recommends a finding of **Unfounded** for **Allegation #6**, that Officer A struck Subject 1 about his body. According to Department reports and statements from the involved officers, Officer A punched Subject 1 in his face twice during his arrest. Medical records do not support Subject 1's allegation of being punched about his body as there were no related injuries reported. Based on the available information, it is more likely that Subject 1 was not punched about his body.

COPA recommends a finding of **Unfounded** for **Allegation #7**, that Officer A kneeled Subject 1 on his back. The witness officers denied observing Officer A knee Subject 1 on his back. Officer A denied kneeing Subject 1 on his back. Medical records do not support Subject 1's allegation of being punched about his body as there were no related injuries reported. Based on the available information, it is more likely that Officer A did not knee Subject 1 on his back.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	1. Arrested Subject 1 without justification, in violation of Rule 6.	Unfounded
	2. Damaged Subject 1's cellular telephone, in violation of Rule 2.	Unfounded
	3. Referred to Subject 1 as a "fucking asshole," in violation of Rules 2 and 9.	Not Sustained
	4. "Slammed" Subject 1 on the ground in violation of Rules 2 and 9.	Exonerated
	5. Punched Subject 1 on his face, in violation of Rules 2 and 9.	Exonerated
	6. Struck Subject 1 about his body, in violation of Rules 2 and 9.	Unfounded
	7. Kneed Subject 1 on his back, in violation of Rules 2 and 9.	Unfounded

Approved:

Deputy Chief Administrator 1 – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#: X	
Investigator:	Investigator 1
Supervising Investigator:	Supervising Investigator 1
Deputy Chief Administrator:	Deputy Chief Administrator 1